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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,844	12/28/2000	Malcolm M. Smith	062891.0440	1025
7590	06/15/2005		EXAMINER	
Barton E. Showalter Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/752,844	SMITH, MALCOLM M.
	Examiner Ricardo Pizarro	Art Unit 2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 6-7, 9-13, 15, 17-20, 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6,7,15,19,20 and 23-27 is/are allowed.
- 6) Claim(s) 1-4,9,11,12,14 and 17 is/are rejected.
- 7) Claim(s) 10,13 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 , 9, 11-12,14 and 17 are rejected under 35 U.S.C . 103(a) as being unpatentable over US patent No.6,625,144 ( El-Batal) in view of US patent No. 4,543,654 (Jones)

Regarding claims 1 and 11, El-Batal discloses a DB-9 connector for RS-232 communications, comprising: a serial data interface ( i.e. RS-232, col 4 line 49) having a data carrier detect DCD line ( DCD line in Fig. 8 ) and a request to send RTS line ( RTS line in Fig. 8) each coupled to a modem ( not shown and coupled through the wire line), that couples to a plurality of devices (i.e. controllers in Fig. 3), communicating information to a selected one of the plurality of devices ( communicating information to one of the controllers or disk drives in fig. 3).

El-Batal did not specifically disclose said RS-232 system including a processor operable to detect a de-assertion of the DCD line, to assert the RTS line after a period of time from detecting the de-assertion of the DCD line, to communicate information to a selected one of the remote devices while the RTS line is asserted, and to de-assert the RTS line after communicating the information, wherein the period of time comprises a propagation delay , as in claims 1 and 11, wherein asserting the RTS line request the

modem to generate a carrier signal that causes assertion of DCD lines for the remote devices coupled to the twisted pair line, as in claim 3.

However Jones discloses an Interface for a Communications network comprising a processor operable to detect a de-assertion of the DCD line each (each Controller senses the state of activity of an outbound channel i.e, asserted or de-asserted condition of a line , col 7 lines 46-47 ) , to assert the RTS line after a period of time from detecting the de-assertion of the DCD line ( DCD 2 line includes a small delay at the end of activity before its lead goes low, col 6 lines 5-8), to communicate information to a selected one of the remote devices while the RTS line is asserted, and to de-assert the RTS line after communicating the information.( When DCD2 indicates no activity-deassertion- controller asserts its request to send RTS line to notify modem that needs to transmit an outbound packet, col 16 lines 65-67, col 17 line 1) , wherein the period of time comprises a propagation delay ,( col 7 lines 21-23 and col 9 lines 45-47) as in claims 1 , 3 and 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the processing means as disclosed by Jones in to the system disclosed by El-Batal in order to define the current propagation parameter derived from the network signaling rate and the time required for a signal transmitted from the last station to propagate to the network head and back.

The motivation to do so is to obtain a method to provide synchronization access to a communications link between multiple controller devices in a disk controller environment that supports RS-232 communications protocol .

Regarding claim 2, El\_Batal discloses wherein the serial data interface is an RS-232 interface ( col 2 line 16).

Regarding claim 4 , El\_Batal discloses in the embodiment shown in Fig. 4 wherein the selected remote device comprises a master station (HOST 102) managing a plurality of components of a supervisory control and data acquisition system. ( managing SCA devices 104, 106 , n ... in Fig. 1) using the twisted pair line.

Regarding claim 12 , El\_Batal discloses wherein the serial data interface comprises an RS-232 interface ( col 2 line 16).

Regarding claims 9 and 17, wherein the propagation delay is a predetermined value ( Col 7 line 28)

#### ***Allowable Subject Matter***

3. Claims 6, 7, 15, 19-20 , 23-26 and 27 are allowed

4. Claims 10, 13, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please also notice objection to some of the claims under 37 CFR 1.75

#### ***Conclusion***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal  
Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-  
3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30  
PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126.

Information regarding the status of an application may be obtained from the  
Patent Application Information Retrieval (PAIR) system. Status information for  
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Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2661

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13  
June 13, 2005  
Ricardo Pizarro PNP



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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